



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1641

Introduced 2/20/2015, by Sen. Emil Jones, III

SYNOPSIS AS INTRODUCED:

5 ILCS 365/8	from Ch. 127, par. 358
30 ILCS 105/6z-23	from Ch. 127, par. 142z-23
625 ILCS 5/3-638	
625 ILCS 5/3-808.1	from Ch. 95 1/2, par. 3-808.1
625 ILCS 5/11-1304.5	
765 ILCS 170/5-15	

Amends the State Salary and Annuity Withholding Act. Provides that the amount withheld from a State employee's paycheck for the purpose of paying parking fees shall be deposited into the State Parking Facility Maintenance Fund. Amends the State Finance Act. Allows the Secretary of State to use the money in the CDLIS/AAMVAnet/NMVTIS Trust Fund to pay for any expenses related to vehicle registration or titling. Amends the Illinois Vehicle Code. Provides for the design of charitable decals for U.S. Veteran License Plates by charitable organizations, and requires those organizations to report to the Secretary of State Vehicle Services Department concerning the sticker fee for the decals, the amount of decals sold, and the total revenue received from sale of the decals. Eliminates the transfer plate fee for vehicles owned or operated by any county, township, or municipal corporation. Allows for the parking of a vehicle with expired registration if the vehicle has been properly registered prior to expiration, but has yet to receive a new registration sticker. Amends the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act. Requires owners of manufactured homes to surrender the Manufacturer's Statement of Origin to the Secretary of State. Effective immediately.

LRB099 07957 RJF 28097 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning the Secretary of State.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Salary and Annuity Withholding Act is
5 amended by changing Section 8 as follows:

6 (5 ILCS 365/8) (from Ch. 127, par. 358)

7 Sec. 8. Payment of certain amounts withheld.

8 (a) If a withholding authorization is for the purpose of
9 payment of insurance premiums or for payment to a labor union,
10 each Office shall make payments, as soon as payroll warrants
11 are prepared and verified, on behalf of the employee or
12 annuitant to the payee named in the authorization the amount
13 specified in the authorization. Such payments shall be made by
14 warrants prepared at the time the payroll is processed.

15 (b) If a withholding authorization is for the purpose of
16 purchasing United States Savings Bonds, each Office, whenever a
17 sufficient sum has accumulated in the employee's account to
18 purchase a bond of the denomination directed by the employee in
19 his authorization, shall purchase such a United States Savings
20 Bond in the name designated by the employee and deliver it to
21 the employee.

22 (c) If a withholding authorization is for the purpose of
23 payment of parking fees pursuant to paragraph 7 of Section 4,

1 the State Comptroller shall deposit ~~80%~~ of the amount withheld
2 ~~in the Capital Development Bond Retirement and Interest Fund in~~
3 ~~the State Treasury and 20% of the amount withheld~~ in the State
4 Parking Facility Maintenance Fund in the State Treasury.

5 (d) If a withholding authorization is for the purpose of
6 payment of amounts due or to become due under the Illinois
7 Income Tax Act, the Office shall pay the amounts withheld
8 without delay directly to the Department of Revenue or to a
9 depository designated by the Department of Revenue.

10 (Source: P.A. 90-448, eff. 8-16-97.)

11 Section 10. The State Finance Act is amended by changing
12 Section 6z-23 as follows:

13 (30 ILCS 105/6z-23) (from Ch. 127, par. 142z-23)

14 Sec. 6z-23. All monies received by the Secretary of State
15 pursuant to paragraph (f) of Section 2-119 or subsection (d)
16 ~~(b)~~ of Section 3-113 of the Illinois Vehicle Code shall be
17 deposited in the CDLIS/AAMVAnet/NMVTIS Trust Fund. The money in
18 this Fund shall only be used by the Secretary of State to pay
19 for (1) the enrollment of commercial drivers into the
20 Commercial Driver License Information System (CDLIS), (2)
21 network charges assessed Illinois by AAMVAnet, Inc., for motor
22 vehicle and driver records data and information, (3) expenses
23 (limited to equipment, maintenance, and software) related to
24 the testing of applicants for commercial driver's licenses, ~~and~~

1 (4) expenses related to participation in the National Motor
2 Vehicle Title Information Service, and (5) any expenses related
3 to vehicle registration or titling.

4 (Source: P.A. 98-177, eff. 1-1-14.)

5 Section 15. The Illinois Vehicle Code is amended by
6 changing Sections 3-638, 3-808.1, and 11-1304.5 as follows:

7 (625 ILCS 5/3-638)

8 Sec. 3-638. U.S. Veteran License Plates.

9 (a) In addition to any other special license plate, the
10 Secretary, upon receipt of all applicable fees and applications
11 made in the form prescribed by the Secretary of State, may
12 issue U.S. Veteran license plates to residents of Illinois who
13 meet eligibility requirements prescribed by the Secretary of
14 State. The special U.S. Veteran plate issued under this Section
15 shall be affixed only to passenger vehicles of the first
16 division, motorcycles, and motor vehicles of the second
17 division weighing not more than 8,000 pounds. Plates issued
18 under this Section shall expire according to the staggered
19 multi-year procedure established by Section 3-414.1 of this
20 Code.

21 (b) The design, color, and format of the plates shall be
22 wholly within the discretion of the Secretary of State. The
23 Secretary may, in his or her discretion, allow the plates to be
24 issued as vanity plates or personalized in accordance with

1 Section 3-405.1 of this Code. The plates are not required to
2 designate "Land Of Lincoln", as prescribed in subsection (b) of
3 Section 3-412 of this Code. The Secretary shall prescribe the
4 eligibility requirements and, in his or her discretion, shall
5 approve and prescribe stickers or decals as provided under
6 Section 3-412.

7 (c) (Blank).

8 (d) A charitable organization deemed eligible by the
9 Secretary of State shall design decals to be affixed on plates
10 issued under this Section. The decals shall designate the
11 applicant's branch of service, theater of action, or both. The
12 Secretary may prescribe rules governing the requirements and
13 approval of charitable decals.

14 (e) The charitable organization authorized to design
15 decals under subsection (d) of this Section may establish a fee
16 for the purchase of charitable decals and shall report by July
17 31 of each year to the Secretary of State Vehicle Services
18 Department the sticker fee, the number of charitable decals
19 sold, the total revenue received from the sale of charitable
20 decals during the previous fiscal year, and any other
21 information deemed necessary by the Secretary of State.

22 (Source: P.A. 96-1409, eff. 1-1-11.)

23 (625 ILCS 5/3-808.1) (from Ch. 95 1/2, par. 3-808.1)

24 Sec. 3-808.1. (a) Permanent vehicle registration plates
25 shall be issued, at no charge, to the following:

1 1. Vehicles, other than medical transport vehicles,
2 owned and operated by the State of Illinois or by any State
3 agency financed by funds appropriated by the General
4 Assembly;

5 2. Special disability plates issued to vehicles owned
6 and operated by the State of Illinois or by any State
7 agency financed by funds appropriated by the General
8 Assembly.

9 (b) Permanent vehicle registration plates shall be issued,
10 for a one time fee of \$8.00, to the following:

11 1. Vehicles, other than medical transport vehicles,
12 operated by or for any county, township or municipal
13 corporation.

14 2. Vehicles owned by counties, townships or municipal
15 corporations for persons with disabilities.

16 3. Beginning with the 1991 registration year,
17 county-owned vehicles operated by or for any county sheriff
18 and designated deputy sheriffs. These registration plates
19 shall contain the specific county code and unit number.

20 4. All-terrain vehicles owned by counties, townships,
21 or municipal corporations and used for law enforcement
22 purposes when the Manufacturer's Statement of Origin is
23 accompanied with a letter from the original manufacturer or
24 a manufacturer's franchised dealer stating that this
25 all-terrain vehicle has been converted to a street worthy
26 vehicle that meets the equipment requirements set forth in

1 Chapter 12 of this Code.

2 5. Beginning with the 2001 registration year,
3 municipally-owned vehicles operated by or for any police
4 department. These registration plates shall contain the
5 designation "municipal police" and shall be numbered and
6 distributed as prescribed by the Secretary of State.

7 6. Beginning with the 2014 registration year,
8 municipally owned, fire district owned, or Mutual Aid Box
9 Alarm System (MABAS) owned vehicles operated by or for any
10 fire department, fire protection district, or MABAS. These
11 registration plates shall display the designation "Fire
12 Department" and shall display the specific fire
13 department, fire district, fire unit, or MABAS division
14 number or letter.

15 (b-5) Beginning with the 2016 registration year, permanent
16 vehicle registration plates shall be issued for a one-time fee
17 of \$8.00 to a county, township, or municipal corporation that
18 owns or operates vehicles used for the purpose of community
19 workplace commuting as defined by the Secretary of State by
20 administrative rule. The design and color of the plates shall
21 be wholly within the discretion of the Secretary. The Secretary
22 of State may adopt rules to implement this subsection (b-5).

23 (c) Beginning with the 2012 registration year,
24 county-owned vehicles operated by or for any county sheriff and
25 designated deputy sheriffs that have been issued registration
26 plates under subsection (b) of this Section shall be exempt

1 from any fee for the transfer of registration from one vehicle
2 to another vehicle. Each county sheriff shall report to the
3 Secretary of State any transfer of registration plates from one
4 vehicle to another vehicle operated by or for any county
5 sheriff and designated deputy sheriffs. The Secretary of State
6 shall adopt rules to implement this subsection (c).

7 (c-5) Beginning with the 2014 registration year,
8 municipally owned, fire district owned, or Mutual Aid Box Alarm
9 System (MABAS) owned vehicles operated by or for any fire
10 department, fire protection district, or MABAS that have been
11 issued registration plates under subsection (b) of this Section
12 shall be exempt from any fee for the transfer of registration
13 from one vehicle to another vehicle. Each fire department, fire
14 protection district, of MABAS shall report to the Secretary of
15 State any transfer of registration plates from one vehicle to
16 another vehicle operated by or for any fire department, fire
17 protection district, or MABAS. The Secretary of State shall
18 adopt rules to implement this subsection.

19 (d) Beginning with the 2013 registration year,
20 municipally-owned vehicles operated by or for any police
21 department that have been issued registration plates under
22 subsection (b) of this Section shall be exempt from any fee for
23 the transfer of registration from one vehicle to another
24 vehicle. Each municipal police department shall report to the
25 Secretary of State any transfer of registration plates from one
26 vehicle to another vehicle operated by or for any municipal

1 police department. The Secretary of State shall adopt rules to
2 implement this subsection (d).

3 (e) Beginning with the 2016 registration year, any vehicle
4 owned or operated by a county, township, or municipal
5 corporation that has been issued registration plates under this
6 Section is exempt from any fee for the transfer of registration
7 from one vehicle to another vehicle. Each county, township, or
8 municipal corporation shall report to the Secretary of State
9 any transfer of registration plates from one vehicle to another
10 vehicle operated by or for any county, township, or municipal
11 corporation.

12 (Source: P.A. 97-430, eff. 1-1-12; 97-794, eff. 1-1-13; 98-436,
13 eff. 1-1-14; 98-1074, eff. 1-1-15.)

14 (625 ILCS 5/11-1304.5)

15 Sec. 11-1304.5. Parking of vehicle with expired
16 registration. No person may stop, park, or leave standing upon
17 a public street, highway, or roadway a vehicle upon which is
18 displayed an Illinois registration plate or plates or
19 registration sticker after the termination of the registration
20 period, except as provided for in subsection (b) of Section
21 3-701 of this Code, for which the registration plate or plates
22 or registration sticker was issued or after the expiration date
23 set under Section 3-414 or 3-414.1 of this Code.

24 (Source: P.A. 91-487, eff. 1-1-00.)

1 Section 20. The Conveyance and Encumbrance of Manufactured
2 Homes as Real Property and Severance Act is amended by changing
3 Section 5-15 as follows:

4 (765 ILCS 170/5-15)

5 Sec. 5-15. Affidavit of affixation.

6 (a) An affidavit of affixation shall contain or be
7 accompanied by:

8 (1) the name of the manufacturer, the make, the model
9 name, the model year, the dimensions, and the
10 manufacturer's serial number or numbers of the
11 manufactured home, and whether the manufactured home is new
12 or used;

13 (2) (A) a statement that the party executing the
14 affidavit is the owner of the real property described
15 therein or (B) if the party executing the affidavit is not
16 the owner of the real property, (1) a statement that the
17 manufactured home is not located in a mobile home park as
18 defined in Section 2.5 of the Mobile Home Park Act and that
19 the party executing the affidavit is in possession of the
20 real property pursuant to the terms of a lease in
21 recordable form that has a term that continues for at least
22 20 years after the date of execution of the affidavit and
23 (2) the consent of the lessor of the real property,
24 endorsed upon or attached to the affidavit and acknowledged
25 or proved in the manner as to entitle a conveyance to be

1 recorded;

2 (3) the street address and the legal description of the
3 real property to which the manufactured home is or shall be
4 affixed; and

5 (4) as applicable:

6 (A) if the manufactured home is not covered by a
7 certificate of title, including, if applicable, a
8 certificate of title issued in accordance with
9 subsection (b) of Section 3-109 of the Illinois Vehicle
10 Code, a statement by the owner to that effect, and

11 (i) a statement by the owner of the
12 manufactured home that the manufactured home is
13 covered by a Manufacturer's Statement of Origin,
14 the date the Manufacturer's Statement of Origin
15 was issued, and the manufacturer's serial number
16 or numbers of the manufactured home; and

17 (ii) a statement that annexed to the affidavit
18 of affixation is a copy of the ~~the original~~
19 Manufacturer's Statement of Origin for the
20 manufactured home, duly endorsed to the owner of
21 the manufactured home, and that the owner of the
22 manufactured home shall surrender the original
23 Manufacturer's Statement of Origin to the
24 Secretary of State; or

25 (B) if the manufactured home is covered by a
26 certificate of title, including, if applicable, a

1 certificate of title issued in accordance with
2 subsection (b) of Section 3-109 of the Illinois Vehicle
3 Code, a statement by the owner of the manufactured home
4 that the manufactured home is covered by a certificate
5 of title, the date the title was issued, the title
6 number, and that the owner of the manufactured home
7 shall surrender the title to the Secretary of State;

8 (5) a statement whether or not the manufactured home is
9 subject to one or more security interests or liens, and

10 (A) if the manufactured home is subject to one or
11 more security interests or liens, the name and address
12 of each party holding a security interest in or lien on
13 the manufactured home, including but not limited to,
14 each holder shown on any certificate of title issued by
15 the Secretary of State, if any, the original principal
16 amount secured by each security interest or lien; and a
17 statement that the security interest or lien shall be
18 released; or

19 (B) a statement that each security interest in or
20 lien on the manufactured home, if any, has been
21 released, together with due proof of each such release;

22 (6) a statement that the manufactured home is or shall
23 be affixed to a permanent foundation;

24 (7) the name and address of a person designated for
25 filing the certified copy of the affidavit of affixation
26 with the Secretary of State, to whom the recording officer

1 shall return the certified copy of the affidavit of
 2 affixation after it has been duly recorded in the real
 3 property records, as provided in Section 5-25 of this Act;
 4 and

5 (8) the certification of a certified residential real
 6 estate appraiser, a certified general real estate
 7 appraiser, a licensed manufactured home installer, or a
 8 licensed professional engineer, as provided in Section 5-5
 9 of this Act.

10 (b) An affidavit of affixation shall be in the form set
 11 forth in this Section, duly acknowledged or proved in like
 12 manner as to entitle a conveyance to be recorded, and when so
 13 acknowledged or proved and upon payment of the lawful fees
 14 therefor, the recording officer shall immediately cause the
 15 affidavit of affixation and any attachments thereto to be duly
 16 recorded and indexed in the record of deeds.

17 (c) An affidavit of affixation shall be in the form set
 18 forth below:

19 MANUFACTURED HOME
 20 AFFIDAVIT OF AFFIXATION

21 STATE OF)

22)SS.

23 COUNTY OF)

1 BEFORE ME, the undersigned Notary Public, on this day
 2 personally appeared (type the
 3 name(s) of each person signing this Affidavit) known to me to
 4 be the person(s) whose name(s) is/are subscribed below (each a
 5 "Homeowner"), and who, being by me first duly sworn, did each
 6 on his or her oath state as follows:

7 1. Homeowner owns the manufactured home ("Home") described as
 8 follows:
 9
 10
 11 (Year; Manufacturer's Name; Manufacturer's Serial No(s).)

12 2. The street address of the real property to which the Home is
 13 or shall be permanently affixed ("Property Address") is:
 14
 15 (Street or Route; City; County; State; Zip Code)

16 3. The legal description of the real property to which the Home
 17 is or shall be affixed ("Land") is:
 18
 19
 20
 21

22 4. Homeowner is the owner of the Land or, if not the owner of

1 the Land, the Home is not located in a mobile home park, as
2 defined in Section 2.5 of the Mobile Home Park Act, and
3 Homeowner is in possession of the Land pursuant to a lease
4 in recordable form that has a term that continues for at
5 least 20 years after the date of the execution of this
6 Affidavit, and the consent of the lessor is attached to
7 this Affidavit.

8 5. The Home is or shall be assessed and taxed as an improvement
9 to the Land.

10 6. As of the date of the execution of this Affidavit, or, if
11 the Home is not yet located at the Property Address, upon
12 the delivery of the Home to the Property Address:

13 (a) The Home [] is [] shall be affixed to a permanent
14 foundation as defined in Section 5-5 of the Conveyance and
15 Encumbrance of Manufactured Homes as Real Property and
16 Severance Act;

17 (b) The wheels, axles, towbar, or hitch were removed when
18 the Home was placed on the Property Address; and

19 7. The Home [] was [] was not permanently affixed before
20 January 1, 2011.

21 8. If Homeowner is the owner of the Land, any conveyance or
22 financing of the Home and the Land shall be a single
23 transaction under applicable State law.

24 9. The Home is subject to the following security interests or
25 liens:

1 Name of Lienholder:

2 Address:

3 Name of Lienholder:

4 Address:

5 10. Other than those disclosed in this Affidavit, Homeowner is
6 not aware of (i) any other security interest, claim, lien,
7 or encumbrance affecting the Home or (ii) any other facts
8 or information that could reasonably affect the validity of
9 the title of the Home or the existence or non-existence of
10 security interests in it.

11 11. A release of lien from each of the lienholders identified
12 in paragraph 11 of this Affidavit has been shall be
13 delivered to the Secretary of State.

14 12. Homeowner shall initial only one of the following, as it
15 applies to the Home:

16 The Home is not covered by a certificate of title. The
17 Home is covered by a Manufacturer's Statement of Origin, issued
18 on the of,, manufacturer's serial
19 number, which Homeowner shall
20 surrender to the Secretary of State. A copy of the ~~The original~~
21 Manufacturer's Statement of Origin, duly endorsed to
22 Homeowner, is attached to this Affidavit.

23 The Home is covered by a certificate of title issued on
24 the day of,, title number

1 , which Homeowner shall surrender to
2 the Secretary of State.

3 13. Homeowner designates the following person to file a
4 certified copy of this Affidavit with the Secretary of
5 State, and the person to whom the Recorder shall return a
6 certified copy of this Affidavit after it has been duly
7 recorded in the real property records:

8 Name:.....

9 Address:

10 14. This Affidavit is executed by Homeowner pursuant to Section
11 5-15 of the Conveyance and Encumbrance of Manufactured
12 Homes as Real Property and Severance Act.

13 15. The certification, pursuant to Section 5-5 of the
14 Conveyance and Encumbrance of Manufactured Homes as Real
15 Property and Severance Act, of a certified residential real
16 estate appraiser, a certified general real estate
17 appraiser, a licensed manufactured home installer, or a
18 licensed professional engineer that the home is affixed to
19 a permanent foundation is attached to this Affidavit.

20 IN WITNESS WHEREOF, Homeowner(s) has/have executed this
21 Affidavit in my presence and in the presence of the undersigned
22 witnesses on this day of,

23 (SEAL)

1 Homeowner #1 Witness

2

3 Printed Name

4 (SEAL)

5 Homeowner #2 Witness

6

7 Printed Name

8 (SEAL)

9 Homeowner #3 Witness

10

11 Printed Name

12 (SEAL)

13 Homeowner #4 Witness

14

15 Printed Name

16 STATE OF

17) SS.

18 COUNTY OF

19 The foregoing instrument was acknowledged before me this
20 (date) by (name(s) of person(s) who acknowledged).

1 Notary Public

2 Signature

3 My commission expires:

4 Official Seal:

5 ATTENTION RECORDER: This instrument covers goods that are
6 or are to become fixtures on the Property described herein and
7 is to be filed for record in the records where conveyances of
8 real estate are recorded.

9 (Source: P.A. 98-749, eff. 7-16-14.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.